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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,721	12/26/2000	Kazuki Matsui	1405.1030 (JDH)	9516
21171	7590	06/14/2007		
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER RETTE, YEHDEGA	
			ART UNIT 3622	PAPER NUMBER
			MAIL DATE 06/14/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/745,721	MATSUI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Yehdega Retta	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Amendment*

This office action is in response to Request for Continued Examination amendments filed April 12, 2007. Applicant amended claims 1-3 and 10-12. Claims 1-12 are still pending.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 1-3 and 10-12 recite the travel progress information including at least one of travel ticket usage information, replacement ticket information and coupon usage information. However applicant's specification does not teach coupon usage.

Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim recites consulting a given person's itinerary and the advertising or reference information broadcasted according to the given person's itinerary and travel progress information. It is unclear if the travel progress information is part of the person's itinerary, i.e., it includes the person's travel progress information, or the progress information is a separate data.

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It is unclear if the itinerary is updated based on the travel progress information. The statement *“and travel progress determined from a travel schedule of which is updated using travel progress information based on actions of the given person”* makes the claim vague, since the claim only recites consulting an itinerary. The claim also recites based on actions of the given person and the travel progress information includes at least one of travel usage information, replacement ticket information and coupon usage information. Examiner would like to point out that there are two steps claimed, the consulting of the itinerary and the broadcasting of advertising or reference information according to the itinerary. Since the claim recites only consulting a given person's itinerary and the claim does not indicate that the progress information is part of the itinerary therefore, there is no relationship between the broadcasting and the travel progress information (which includes the ticket usage or replacement ticket information).

It is also unclear how ticket usage information and also replacement ticket information is considered action taken by the given person. Is purchasing, canceling or booking of another ticket considered action taken by a given person?

Claims 2, 3 and 10-12 are also rejected for the same reason.

***Claim Rejections - 35 USC § 103***

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stiles et al. (US 6,842,737) in view of Sehr (US 6,085,976).

Regarding claims 1-3, 10-12, Stiles teaches automatically broadcasting to an information terminal for a given person pre-registered advertising information or reference information in connection with dates and times and/or places appropriate to the an itinerary (see abstract, col. 1

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line 27 to col. 2 line 22, col. 3 lines 25-39, col. 7 line 29 to col. 8 line 53). Stiles teaches providing travel-plan schedules to third parties and accepting from the third part relevant information and broadcasting at predetermined timings the relevant information (see col. 7 line 10 to col. 8 line 53, col. 9 lines 30 to col. 10 line 25 and fig 18). Stiles teaches broadcasting pre-registered advertising information or reference information to a communication device according progress of an initial travel schedule or according to an updated travel schedule (see col. 16 lines 1-67, col. 7 lines 39-67). Stiles teaches the travel intelligence report (TIR) linked to a travel agency web site and being presented to a traveler while purchasing an airline ticket. Stiles teaches (see abstract) “(t)he associated system performs these functions, among others, to provide information for a traveler planning a trip to a particular destination or destinations”, i.e., providing information according to the time or place of the first destination and the time and place of the second destination, which is the progress of the travel schedule (same as applicant’s invention). Stiles does not explicitly teach travel progress determined from a travel schedule which is updated using travel progress information *based on actions of the given person* which includes at least one of travel ticket usage information, replacement ticket information and coupon usage. Sehr teaches collecting ticket data (usage data) and transferring the data to a central computer. Sehr teaches that the data collected could be for railroad stations or airport facilities and the data can be gathered and forwarded to the transport provider for marketing/promotional programs (see col. 11 lines 3-34). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Sehr’s card or ticket station in Stiles’s travel information system to collect the ticket usage data as in Sehr and use the data to

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provide marketing or promotional information based on the time or location of the travel, as in Stiles.

Regarding claims 4-9, Stiles teaches predetermined personal information stored correlating with the communication addresses wherein the addresses are changed according to travel-plan schedule wherein the third part is billed according to broadcast count, etc (see col. 2 lines 4-22, col. 8 line 14 to col. 9 line 28, col. 9 line 37 to col. 10 line 65).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Green et al. (US 6,957,772) teaches collecting ticket data from a mass transportation such as train or airplane and transmitting the information to a central computer.


Zirngibl et al. (US 6,836,537) teaches booking a replacement ticket for canceled ticket.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yehdega Retta whose telephone number is (571) 272-6723. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
**RETTA YERDEGA**  
**PRIMARY EXAMINER**